

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Cavanaugh and John Hobgood on 8/17/07.

1. claim 1, line 7: add "a" between "axis," and "split".
2. claim 1, line 8: delete "its" and replace with "a".
(first occurrence)
3. claim 1, line 8: delete "to" and replace with "of said cylindrical member".
4. claim 1, line 8: delete "form" and replace with "forming".
5. claim 1, line 8: add "having a surface area adapted to substantially about the septal tissue" between "oval" and "wherein".
6. claim 1, line 8: add "flexible" between "the" and "center".
7. claim 1, line 10: replace "member" with "members".
8. claim 1, line 10: add "flexible" between "the" and "center".
9. claim 20, line 6: add "a" between "axis," and "split".
10. claim 20, line 7: delete "its" and replace with "a".
11. claim 20, line 7: delete "to" and replace with "of said cylindrical member".
12. claim 20, line 7: delete "form" and replace with "forming".

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13. claim 20, line 7: add "having a surface area adapted to substantially about the septal
tissue" between "oval" and ^{and} ~~"wherein"~~.

14. claim 20, line 10: add "flexible" between "the" and "center".

15. claim 20, line 12: add "flexible" between "the" and "center".

16. claim 42, line 7: add "a" between "axis," and "split".

17. claim 42, line 8: delete "its" and replace with "a".

18. claim 42, line 8: delete "to" and replace with "of said cylindrical member".

19. claim 42, line 8: delete "form" and replace with "forming".

20. claim 42, line 8: add "having a surface area adapted to substantially about the septal
tissue" between "oval" and ^{and} ~~"wherein"~~.

21. claim 42, line 10: add "flexible" between "the" and "center".

22. claim 42, line 12: add "flexible" between "the" and "center".

The following is an examiner's statement of reasons for allowance:

"the elongate oval having a surface area adapted to substantially about the septal tissue" does not read on the bypass stent as seen in 6,616,675 and the other prior art of record, because the stent does not have an exposed elongate oval, only the border of the oval is exposed not the surface. Surface area would include the face of the oval not only the border. The prior art of record does not include a cylindrical member with a split along the central portion of a length of a cylindrical member.